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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/712,450 | 11/12/2003 | Ryoichi Imaizumi | 112857-441 | 8704 |

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| EXAMINER |
|---|
| LABAZE, EDWYN |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2876 | |

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/712,450 | IMAIZUMI ET AL. |
| | Examiner | Art Unit |
| | EDWYN LABAZE | 2876 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>12 November 2003</u>.
2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) <u>1-22</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-5,9,11-15,19,21 and 22</u> is/are rejected.
7) ☒ Claim(s) <u>6-8,10,16-18 and 20</u> is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some *   c)☐ None of:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6172004</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1.    Receipt is acknowledged of IDS filed on 6/17/2004.

2.    Claims 1-22 are presented for examination.


### *Priority*

3.    Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.


### *Claim Rejections - 35 USC § 102*

4.    The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).


5.    Claims 1-5, 9, 11-15, 19, and 21-22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Longacre, Jr. et al. (U.S. 6,491,223).

Re claims 1, 9, 11, 19, 21 and 22: Longacre, Jr. et al. {hereinafter referred as "Longacre"} discloses auto-discrimination optical reader, which includes a sensor 32 {herein described from a bar code scanner} for detecting an object (as shown in fig. # 1; col.8, lines 20+); an object-identifying unit {herein a decoding system, optical reader 10} which obtains an ID {herein bar code} corresponding to the object based on information input from the sensor so as to repeatedly output the obtained ID based on the information input from the sensor (col.8, lines 28+), and an information processing unit {herein control means 40, microprocessor 42} which repeatedly receives the ID {herein bar code} from the object-identifying unit so as to perform a program {such a 1D or 2D symbol recognition pattern} corresponding to the ID; wherein the information processing unit {herein the processor 900} compares {herein an auto-discrimination to determine a 1D or 2D codes} a program that is set based on a newly-input ID with a program that is set based on an already-input ID from the object-identifying unit, and ends a currently-executed program when the two programs are different from each other (col.38, lines 25-67+; col.40, lines 1-67). Longacre further discloses wherein the information processing unit sets a communication protocol corresponding to the first ID input from the object-identifying unit and sets a connected party corresponding to the second ID input from the object-identifying unit (col.4, lines 1+; col.11, lines 45+; col.21, lines 35+).

Re claims 2 and 12: Longacre teaches an apparatus and method, wherein the information processing unit compares the program that is set based on the newly-input ID with the program that is set based on the already-input ID from the object-identifying unit, and ends the currently-executed program so as to start the program that is set based

on the newly-input ID when the two programs are different from each other (col.29, lines 28-55).

Re claims 3 and 13: Longacre discloses an apparatus and method, further comprising an ID/internal-state correspondence storage unit {herein RAM 45} for storing a processing information table in which ms to be obtained by the object-identifying unit are associated with paths of execution files, wherein the information processing unit searches the ID/internal-state correspondence storage unit based on the ID input from the object-identifying unit so as to determine a program to be executed (col.38, lines 32-67).

Re claims 4 and 14: Longacre teaches an apparatus and method, wherein the sensor detects the object in a sensor effective area serving as an object recognizing area {herein Longacre discloses means of calculating the activity profile of the image data}, the object-identifying unit outputs a special ID indicating absence of an object to the information processing unit when information received from the sensor does not include object information from which an ID can be obtained, and the information processing unit sets a next program to null based on the special ID (col.35, lines 13-67; col.36, lines 1+; col.45, lines 18+).

Re claims 5 and 15: Longacre discloses an apparatus and method, wherein the information processing unit starts an application program that is set based on the ID input from the object-identifying unit, compares an application program that is set based on the newly-input ID with an application program that is set based on the already-input ID from the object-identifying unit, and ends the currently-executed application program when the two application programs are different from each other (col.13, lines 43+; col.23, lines 21-67; col.24, lines 1+).

*Allowable Subject Matter*

6.      Claims 6-8, 10, 16-18, and 20 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

7.      The following is a statement of reasons for the indication of allowable subject

matter: the prior of record fails to teach means of setting at least one of a communication

protocol and a connected party corresponding to first and second newly-input IDs from

the object-identifying unit is different from at least one of a communication protocol and

a connected party corresponding to first and second already-input IDs, the information

processing unit changes the communication protocol or the connected party based on the

corresponding newly-input ID, and means of determining by the ID-determining unit and

on presence determination information of the object determined by the object presence

determining unit, ends the currently-executed program when the program corresponding

to the newly-input ID based on ID information determined by the D-determining unit is

different from the program corresponding to the already-input ID and when the object

presence determining unit determines absence of the object, and continues the currently

executed program when the program corresponding to the newly-input ID based on the

ID information determined by the ID-determining unit is different from the program

corresponding to the already-input ID and when the object presence determining unit

determines presence of the object. These limitations in conjunction with other limitations

in the claimed invention were not shown by the prior art of record.

## *Conclusion*

8.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gabrielson (U.S. 6,102,289) discloses 1D finder pattern for 2D bar codes.

Oakeson et al. (U.S. 6,398,117) teaches method and system for combining bar codes of different encoding dimensions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
October 1, 2005

THIEN M. LE
PRIMARY EXAMINER